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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/575,139	05/23/2000	Paul Lapstun	NPA019US	9190

-24011 7590 10/30/2002

SILVERBROOK RESEARCH PTY LTD  
393 DARLING STREET  
BALMAIN, 2041  
AUSTRALIA

EXAMINER
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NGUYEN, MADELEINE ANH VINH

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 10/30/2002

13

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/575,139

Applicant(s)

LAPSTUN ET AL.

Examiner

Madeleine AV Nguyen

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

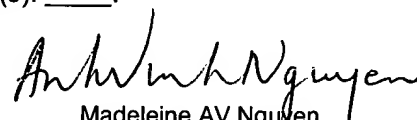
Claim(s) allowed: None.

Claim(s) objected to: None.

Claim(s) rejected: 25-49.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_



Madeleine AV Nguyen  
Primary Examiner  
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Continuation of 2. NOTE: The proposed amendments of claims 25 and 36 with new limitations of a sensing device used to compose the message raise new issues that would require further consideration and/or search..

## DETAILED ACTION

This communication is responsive to after final amendment filed on October 21, 2002.

### *Response to Applicant Remarks*

1. Applicant remarks that the present invention is concerned with capturing a message using a sensing device (such as a special pen) in conjunction with a surface that includes coded data, and forwarding the message by fax while, in Sekiya, there is no such feature disclosed or implied, since the sensing device is the scanning section which is in no way used to compose the message and thereby generate interaction, and so cannot be said to anticipate this feature of the independent claims.

Fig.3 shows an arrangement of character recognition section 2 with a control circuit 30 which connected to CPU 6 for controlling recognition section 2. A quantizing circuit 32 converts an analog signal, which is obtained when scanning section 4 scans an input manuscript, to a binary signal and supplies it to communication control section 1 or a row buffer 33. The contents of row buffer 33 are detected and cut out by a pre-processing circuit 34 for each image information area corresponding to character and supplied to a recognition circuit 35. Fig.4 shows an arrangement of memory areas of character/image file corresponding to a sheet of manuscript. Other areas store format numbers (Ids) representing formats of slips to be processed, ID tables representing character positions (or coordinates) in the character area of the slips, and background format information relating to predetermined characters and rules necessary to and output manuscript such as a list of a predetermined format to be printed out by

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printer 3. Thus, the CPU 6 and the recognition section 2 in Seki capture a message or compose a message from the interaction data which is scanned by the scanning device. Without the scanning device, there is no interaction data for capturing the message. In the claimed invention, the sensing device does not used to capture electronically, in the computer system and from the interaction data, at least the message. Clarification is made on the sensing device on how it is used to compose the message to overcome Sekiya et al.

### ***Conclusion***

2. Applicant's arguments filed on October 21, 2002 have been fully considered but they are not persuasive.

3. The final rejection is maintained.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Madeleine AV Nguyen whose telephone number is 703 305-4860. The examiner can normally be reached on 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 703 305-4712. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872-9314 for regular communications and 703 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305-4700.

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*Anh W. Nguyen*

Madeleine AV Nguyen  
Primary Examiner  
Art Unit 2622

AV  
October 28, 2002